

**FILED**UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

## UNITED STATES DISTRICT COURT

for the  
District of New MexicoOCT 09 2015 *hm*MATTHEW J. DYKMAN  
CLERKIn the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)

Ivan LUJAN

Date of Birth:

SSN: xxx-xx-3991

Case No. *mr 15-632*

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

The person known as Ivan LUJAN with Date of Birth: , SSN: xxx-xx-3991

located in the District of New Mexico, there is now concealed (identify the person or describe the property to be seized):

DNA evidence; to wit; Buccal cell swab, sufficient for DNA analysis, which would be material evidence in a criminal prosecution.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☒ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section  
Title 18 USC 922(g)(1)Offense Description  
Convicted felon in possession of a firearm

The application is based on these facts:

See attached affidavit

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

*304*  
Applicant's signature

Erik Haanes, Special Agent, ATF

Printed name and title

Sworn to before me and signed in my presence.

Date: *10/9/2015*City and state: Albuquerque, New Mexico*Laura P. J.*  
Judge's signature*Laura P. J.*  
Printed name and title*Judge*

**AFFIDAVIT FOR SEARCH WARRANT**

1. Erik Haanes, a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), being duly sworn, deposes and states:
2. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). Beginning in September of 2014, I attended a 26 week ATF academy in Glynco, Georgia that certified me as an ATF Special Agent.
3. As a Special Agent with the ATF and my prior experience as a law enforcement officer, I have conducted physical surveillance, interviewed sources of information and defendants, served search warrants and arrest warrants, investigated firearms and drug trafficking, and assisted on undercover firearms and narcotic investigations. Further, I have testified in judicial proceedings in federal court involving prosecutions relating to violations of federal firearms laws.
4. I am an investigative, or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510 (7), in that I am an officer of the United States who is empowered by law to conduct investigations and make arrests for the offenses enumerated in Title 18 and 26, United States Code.
5. The statements contained in this affidavit are based, in part, on information provided by other law enforcement officers; on conversations held with police officers; on interviews conducted by myself and other law enforcement officers; and on my background and experience as a special agent of the ATF.
6. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

**PROBABLE CAUSE**

7. On May 25, 2015, the Bernalillo County Sheriff's Office utilized a Source of Information (SOI) to conduct a controlled purchase of heroin with a subject who was later identified as Ivan LUJAN, a convicted felon. The controlled purchase occurred at a residence located at 118 65<sup>th</sup> Street NW, Albuquerque, NM.
8. The SOI stated that prior to May 25, 2015, the SOI has purchased narcotics from the individual identified as Ivan LUJAN, located at 118 65<sup>th</sup> Street NW. Each time LUJAN made it a point to show the SOI that he was "armed" while completing the transactions. The SOI stated he/she has previously observed three (3) pistols, one (1) shotgun, and one (1) semiautomatic rifle inside the residence. Additionally, the SOI said LUJAN has stated he is a convicted felon and has served several years in the penitentiary.
9. On May 28, 2015, Bernalillo County Sheriff's Department executed a search warrant at 118 65<sup>th</sup> Street NW, Albuquerque, NM. Several firearms, rounds of miscellaneous ammunition, and narcotics paraphernalia were located inside the residence. Additionally, quantities of narcotics were located on Angel Herrera, an occupant of the residence who was located inside at the time the warrant was executed.
10. While securing the residence and prior to searching, deputies observed Ivan LUJAN through an outside window standing next to a bed, which was located in a bedroom on the north side of the residence. Later, while conducting a search of the residence, deputies located a Browning .380 caliber semiautomatic pistol with serial number 615872 under the bed mattress next to where Ivan LUJAN was previously observed by deputies.
11. Angel Herrera was advised of her Rights per Miranda and questioned. Herrera initially stated the north bedroom where LUJAN was observed belongs to Ivan LUJAN'S

girlfriend, Shirelle Lucero. Herrera later stated the bedroom does not belong to Lucero and that it belongs to Ivan LUJAN. Furthermore, Herrera told deputies that Herrera, Andrew Duran, and Ivan LUJAN share the cost of rent for the residence and Lucero does not contribute.

12. Shirelle Lucero, who was in the residence at the time of the search warrant, was advised of her Rights per Miranda and questioned. Lucero stated the north bedroom where LUJAN was observed belongs to her. Lucero said Ivan LUJAN "sometimes" stays in the bedroom "when he comes" to the residence. Additionally, Lucero stated, the firearm that was located by deputies under the mattress, belongs to her. When questioned about the firearm, Lucero did not know what kind of gun it was and was unable to provide a description to deputies.
13. A search of the north bedroom where LUJAN was observed revealed several items of men's clothing. Furthermore, there were several documents located inside the bedroom that contained the name "Ivan LUJAN."
14. Your Affiant determined Ivan LUJAN has four (4) prior felony convictions in case number D-820-CR-200700036 for Trafficking a Controlled Substance, Possession of Cocaine, Aggravated Assault with a Deadly Weapon, and Possession of a Firearm or Destructive Device by a Felon, all out of the Eighth Judicial District Court, County of Taos, state of New Mexico.
15. Based on your Affiant's training and experience as a law enforcement officer, as well as interviews conducted, your Affiant believes the firearm located in the north bedroom of the residence was likely possessed and handled by Ivan LUJAN.

16. Your Affiant knows it is possible for an individual's DNA to be transferred to items handled by that individual; in this case the item is a firearm. Based upon these facts, your Affiant respectfully requests that a search warrant be issued for Ivan LUJAN, to collect a sample of buccal cells for forensic analysis and for use as evidence in court as your Affiant opines there is probable cause to suggest Ivan LUJAN previously and unlawfully possessed the above firearm.

Respectfully submitted,



Erik Haanes  
Special Agent  
ATF

Subscribed and sworn to before me  
on October 9, 2015:



UNITED STATES MAGISTRATE JUDGE  
Laura Fashing